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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
 IN AND FOR THE COUNTY OF WASHOE

KATHRYN CLAIRE CAMPBELL,

Plaintiff,

CASE NO.

CV07 01631

vs.

DEPT.

CATHERINE WERNER; SHARON
 D. CAMPBELL; METROPOLITAN
 LIFE INSURANCE COMPANY, a
 Foreign corporation; and DOES I-V,

Defendants.

COMPLAINT FOR DECLARATORY RELIEF
(EXEMPTION FROM ARBITRATION REQUESTED)

For her Complaint, Plaintiff Kathryn Claire Campbell (hereinafter "Plaintiff")
 alleges as follows:

PARTIES

1. Plaintiff is a resident of the State of New York, and the named
 beneficiary of a twenty percent (20%) interest in life insurance policy number
 0000003220 issued by Defendant Metropolitan Life Insurance Company

1 (hereinafter "MetLife") on the life of Cole C. Campbell (hereinafter "the life
2 insurance policy").

3 2. Upon information and belief, Defendant Catherine Werner ("Werner")
4 is a resident of Washoe County, Nevada and a named beneficiary of a seventy
5 percent (70%) interest in the life insurance policy.
6

7 3. Upon information and belief Defendant Sharon D. Campbell
8 (hereinafter "Defendant Campbell") is a resident of North Carolina and a named
9 beneficiary of a ten percent (10%) interest in the life insurance policy.
10

11 4. Upon information and belief, MetLife is a Foreign corporation qualified
12 and doing business in the State of Nevada with its principal place of business in St.
13 Louis, Missouri.

14 5. Defendants DOES I - V, inclusive, are the fictitious names of
15 Defendants who are the agents, representatives, and/or employees of the named
16 Defendants who are equally responsible for Plaintiff's damages as alleged herein,
17 in either a representative capacity or by virtue of independent acts or omissions.
18 When the true names and identities of these DOE Defendants are ascertained,
19 Plaintiff will seek leave to amend this Complaint to insert their true names and
20 identities.
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23 **FACTUAL ALLEGATIONS**

24 6. Cole C. Campbell (hereinafter the "Decedent") died February 5, 2007,
25 in Washoe County, Nevada.

26 7. Plaintiff is the Decedent's daughter.

27 8. Defendant Werner is the Decedent's surviving spouse.
28

1 9. Defendant Campbell is the Decedent's ex-wife.

2 10. Plaintiff received a letter from Defendant MetLife dated January 19,
3 2007, stating that Plaintiff was a named beneficiary of the Decedent's life
4 insurance policy. A true and correct copy of that letter is attached hereto as
5 Exhibit A.
6

7 11. Plaintiff filed a claim with Defendant MetLife to receive her twenty
8 percent (20%) share of the Decedent's life insurance policy.
9

10 12. Upon information and belief, Defendant Werner has filed a written
11 objection with MetLife to the distribution of Plaintiff's twenty percent (20%) share
12 of the Decedent's life insurance policy.

13 13. Upon information and belief, Defendant Werner has also filed a written
14 objection with MetLife to the distribution of Defendant Campbell's ten percent
15 (10%) share of the Decedent's life insurance policy.
16

17 14. As of this date, Plaintiff has not received her twenty percent (20%)
18 share of the Decedent's life insurance policy from MetLife as a result of Defendant
19 Werner's actions.

20 15. Upon information and belief, Defendant Campbell has not received her
21 ten percent (10%) share of the Decedent's life insurance policy from MetLife as a
22 result of Defendant Werner's actions.
23

24 16. Although Plaintiff has demanded that MetLife release the Plaintiff's
25 twenty percent (20%) interest in the Decedent's life insurance policy to Plaintiff,
26 Defendant MetLife has refused, and continues to refuse, to do so.
27

28 17. Upon information and belief, although Defendant Campbell has

1 demanded that MetLife release Defendant Campbell's ten percent (10%) interest in
2 the Decedent's life insurance policy to Defendant Campbell, Defendant MetLife has
3 refused, and continues to refuse, to do so.

4
5 **FIRST CLAIM FOR RELIEF**
6 **(Declaratory Relief Against All Defendants)**

7 18. Plaintiff incorporates the allegations contained in paragraphs 1 through
8 17 of her Complaint as though set forth herein.

9 19. A dispute exists as to whether Plaintiff is entitled to her twenty
10 percent (20%) interest in the Decedent's life insurance policy. Plaintiff maintains
11 that she is entitled to a twenty percent (20%) interest, and Defendant Werner
12 maintains that Plaintiff is not entitled to that twenty percent (20%) interest.

13 20. Upon information and belief, a dispute exists as to whether Defendant
14 Campbell is entitled to her ten percent (10%) interest in the Decedent's life
15 insurance policy. Upon information and belief, Defendant Campbell maintains that
16 she is entitled to a ten percent (10%) interest, and Defendant Werner maintains
17 that Defendant Werner is not entitled to that twenty percent (20%) interest.

18 21. Defendant MetLife is unwilling to release to Plaintiff her twenty
19 percent (20%) interest in the Decedent's life insurance policy without a judicial
20 determination of Plaintiff's rights.

21 22. Accordingly, Plaintiff seeks a declaratory judgment from the Court
22 pursuant to NRCP 57 and NRS Chapter 30 that she is entitled to a twenty percent
23 (20%) distribution of the Decedent's life insurance policy, notwithstanding the
24 objection of any Defendant hereto.

25 23. Plaintiff further asserts that there is no just cause or other legal
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1 impediment to a distribution of her twenty percent (20%) interest in the
2 Decedent's life insurance policy, and asks the Court to so hold.

3 24. Due to Defendant Werner's action, Plaintiff has incurred legal fees
4 and costs associated with prosecuting this action, and seeks reimbursement
5 therefore to the extent allowed under Nevada law.
6

7 WHEREFORE, Plaintiff prays for relief as follows:


8 1. For declaratory relief in the form of an Order by this Court finding her
9 the beneficiary of twenty percent (20%) of Cole C. Campbell's MetLife Insurance
10 Policy with accrued interest from the date of the Decedent's death, and ordering
11 distribution to her by MetLife immediately;
12

13 2. For costs of court and attorney's fees incurred;

14 3. For such other and further relief as the Court finds just and proper.
15

16 DATED this 20 day of July, 2007.

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